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Appln. No. 09/857,383
Amendment dated January 12, 2005
Reply to Office Action of October 20, 2004

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The October 20, 2004 Final Office Action and the Examiner's comments have been carefully considered. In response, claims are amended and added, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

Inasmuch as the present Amendment raises no new issues for consideration, and, in any event, places the present application in condition for allowance or in better condition for consideration on appeal, its entry under the provisions of 37 CFR 1.116 is respectfully requested.

REJECTION UNDER 35 USC 112

In the Office Action, claim 4 is rejected under the second paragraph of 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, claim 4 is amended in a sincere effort to overcome the indefiniteness rejection. In view of the amendment of claim 4, reconsideration

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and withdrawal of the rejection under the second paragraph of 35 USC 112 are respectfully requested.

Claim 3 is amended to correct an informality of which Applicant has become aware during study of the present application. The amendment of claim 3 is not related to the patentability of the claim.

PRIOR ART REJECTIONS

In the Office Action, claims 1, 2 and 4 are rejected under 35 USC 102(e) as being anticipated by U.S. Publication No. 2002/0004783 (Paltenghe et al.). Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Paltenghe et al. in view of USP 6,269,343 (Pallakoff). Claims 5 and 6 are rejected under 35 USC 103(a) as being unpatentable over Paltenghe et al. in view of U.S. Publication No. 2003/0140007 (Kramer et al.). Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Paltenghe et al. in view of U.S. Publication No. 2002/0026575 (Wheeler et al.). Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Paltenghe et al. in view of USP 6,378,075 (Goldstein).

The present claimed invention as defined by claim 1 is directed to a system for the execution of secure transactions in a multimedia network. The system includes a multimedia network

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(1) with customer stations (2), merchant servers (3) and a payment server (5) connected thereto. Secure electronic transactions are performed using a secure electronic transactions protocol including the exchange of digital certificates, uniquely identifying the relevant transaction participants and also attesting their privileges at the merchant server. The certificates are managed by a trusted third party server (9) connected to the multimedia network. The payment servers validate the digital certificates presented and process authorization concerning the payment. The customer stations include transaction management means (10) for performing the secure electronic transactions protocol and for managing the certificates for the customer station. The system also includes a remote customer agent (13) managed by agent parameters received from the customer station and as a result, is under the control of the parameters. A remote customer agent represents the customer station in a negotiation process including selecting products to be presented by the merchant server, payment for selected products in a secure way, under control of a secure electronic transactions protocol, and the certificates. The payment process is performed between the transactions management means and the merchant server.

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In rejecting claim 1 the Examiner relies upon Paltenghe et al.

Paltenghe et al. disclose a method for electronic wallets, and more particularly, a virtual hybrid wallet including a locally residing portion (2) and a server residing remote portion (4). Figures 5 and 6 of Paltenghe et al. illustrate the arrangement of payments using the virtual hybrid wallet. The locally residing portion of the virtual wallet, residing for example on a smart card of the user, is used for interacting with a merchant (server) and may be used for authenticating the user or the wallet server. On the basis of a user authorization for a payment by the locally residing portion of the virtual hybrid wallet, the server residing remote portion (wallet server) is advised of the authorization. There-after, the payment transaction, for instance a SET standard based transaction, is performed between the wallet server and a merchant server. Based on the foregoing, the virtual wallet of Paltenghe et al. may be viewed as a shopping aid.

Patentable differences exist between the present claimed invention as defined by claim 1 and Paltenghe et al. Paltenghe et al. disclose that the payment transaction is performed by a device remote from the user (the wallet server, see P. 7, left-hand column, lines 4-8). In contrast, in accordance with the

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present claimed invention, the payment process is carried out by transaction management means (e-wallet) in the user device, i.e. the customer station. Therefore, the remote portion of the virtual wallet of Paltenghe et al. does not represent the user in the negotiation process, including selecting products to be presented by a merchant server, as does the remote customer agent of the present claimed invention. The remote portion of the virtual wallet instead serves a completely different purpose than the remote customer agent. Thus the advantages achieved by a network based agent (remote customer agent) carrying out search and negotiations is not achieved by the network based payment server disclosed in Paltenghe et al.

Paltenghe et al. also teach that the locally residing portion of the virtual wallet conducts the actions preceding the actual payment process (i.e., selection of a purchased item from a merchant server, see first signaling flow in figure 5 of Paltenghe et al.). In contrast, according to the present claimed invention the remote customer agent represents the customer station in the negotiation process, including the selection of products to be presented by the merchant server, preceding the payment process. Paltenghe et al. do not disclose, teach or suggest the remote customer agent which represents the customer station in the negotiation process including the selection of

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products to be presented by the merchant server as recited in claim 1 and do not have any means for performing a secure transactions protocol with a merchant server.

In the Office Action the Examiner contends that the "Institutional Server" of Paltenghe et al. corresponds to the Trusted Third Party Server recited in claim 1. The "Institutional Server" of Paltenghe et al. does not correspond to the Trusted Third Party since the institutional server merely acts as a backup device for data (e.g., certificates) contained in the personal data storage device, and not as a manager of digital certificates exchanged in a secure electronic transaction protocol as recited in claim 1.

That is, in view of all of the foregoing, the present claimed invention as defined by claim 1 is patentable over Paltenghe et al. because the reference does not disclose, teach or suggest, inter alia:

transaction management means for performing secure electronic transactions protocol and for managing the certificates for the customer station; and/or

a remote customer agent, managed by agent parameters received from the customer station and thus, under the control of the parameters, representing the customer station in a negotiation process, including selecting products to be presented by the merchant server, payment for selected products being performed in a secure way, under control of the secure electronic transactions protocol and the certificates, the payment process being performed between

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the transaction management means and the merchant server
(see claim 1, lines 12-24).

None of the other references of record close the gap between the present claimed invention as defined by claim 1 and Paltenghe et al. Therefore, claim 1 is patentable over Paltenghe et al. and all of the other references of record under 35 USC 102 as well as 35 USC 103.

Claims 2-7 are either directly or indirectly dependent on claim 1 and are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 2-7.

Claim 8 is patentable over the cited references for reasons, inter alia, set forth above in connection with claim 1.

In view of the foregoing, claims 1-8 are patentable over the cited references under 35 USC 102 as well as 35 USC 103.

NEW CLAIMS

Claims 9-11 are added to the present application. Each of claims 9-11 is an independent claim. Claims 9-11 are patentable over the cited references for reasons, inter alia, set forth above in connection with claim 1.

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New claims 9-11 should be allowed with claims 1-8 since claims 9-11 are directed to the same invention as claims 1 and 8, but recite a data processing device, and a computer program for a device. No new issues are raised by the presentation of claims 9-11.

CLAIM FEE

The application as filed included two (2) independent claims and eight (8) total claims, and the application after entry of the present Amendment includes five (5) independent claims and eleven (11) total claims. Submitted herewith is a Credit Card Authorization Form in the amount of \$400.00 for the presentation of two (2) independent claims above the highest number of independent claims for which payment was previously made. If any additional fees are due, or if any overpayment has been made, please charge or credit our Deposit Account No. 06-1378 for such sum.

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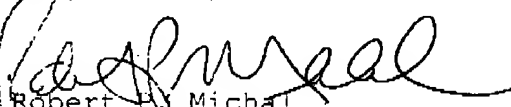
Entry of this Amendment under the provisions of 37 CFR 1.116, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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